

Panaji, 30th September, 1982 (Asvina 8, 1904)

SERIES II No. 27

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 3/8/80-PER

In modification of para 3 of the order No. 3/26/81-PER dated 22-4-82, Shri Rajeev Talwar, IAS, is appointed as Commissioner of Sales Tax, Ent. Tax and Excise with effect from 22-4-82. In addition to his own duties as Commissioner of Sales Tax, Ent. Tax and Excise, Shri Talwar will continue to officiate as Dy. Collector, North Goa Sub-Division, Panaji.

2. This issues in supersession of order No. 3/8/80-PER dated 24-7-82.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 23rd September, 1982.

Notification

No. 3/30/82-PER

On placement of his services by the Government of India, Department of Personnel & A.R., in consultation with Ministry of Home Affairs, New Delhi, at the disposal of this Government, the Administrator of Goa, Daman and Diu is pleased to appoint Shri S. K. Gandhe, Officer of Indian Economic Service on deputation as Additional Development Commissioner-cum-Additional Secretary (Planning) in the pay scale of Rs. 1800-100-2000, with effect from 21-9-82 (F.N.).

2. The appointment will be governed by the standard terms of deputation as laid down in the Ministry of Finance O.M. No.F.1(11)-E.III(B)/75 dated 7-11-1975 as amended from time to time.

3. The appointment of Shri Gandhe is against the post of Additional Development Commissioner-cum-Additional Secretary (Planning) created vide order of even number dated 22-5-82.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 22nd September, 1982.

Works, Education and Tourism Department

Order

No. 12/12/80-WET

In partial modification of Government order No. 12/12/80-WET dated 20-8-80 Shri S. B. Sheldarkar, Lecturer in

Civil Engineering is hereby temporarily appointed as Assistant Professor in Civil Engineering in College of Engineering, Goa with immediate effect in his grade pay of Rs. 1100-50-1600 plus the usual allowances admissible from time to time against the vacancy caused due to deputation of Shri Anil Kumar Deshmukh for Q.I.P. training.

The appointment is subject to the conditions specified in this Office Memorandum of even number dated 6-8-1980 and the rules and regulations laid down by Government from time to time.

The appointment is purely on ad-hoc basis and will not bestow any claim for regular appointment, promotion to a higher post and seniority and will be liable to be terminated by one month's notice or with payment of one month's salary in lieu of the notice.

By order and in the name of the Administrator of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary, Govt. of Goa, Daman and Diu.

Panaji, 7th September, 1982.

Order

No. 12/8/82-WET I

Shri D. B. Lall is hereby temporarily appointed as Assistant Professor in Architecture in Goa College of Engineering, Farmagudi with effect from 1-9-1982 (F.N.) in the scale of Rs. 1200-1900 plus the usual allowances admissible from time to time. His pay shall be fixed as per the rules.

The appointment is subject to the conditions specified in the office Memorandum of even number dated 29-6-1982 and the rules and regulations laid down by the Government from time to time.

The appointment is purely on ad-hoc basis and it will not bestow on the appointee any claim for regular appointment, promotion to higher post and seniority and will be liable to be terminated by one month's notice or with the payment of one month's salary in lieu of notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from holding a post under Government.

Shri D. B. Lall prior to his above appointment was working as Architect in Public Works Department and as such he has already been examined by the Medical Board.

By order and in the name of the Administrator of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary, Govt. of Goa, Daman and Diu.

Panaji, 10th September, 1982.

Revenue Department

Notification

No. 22/116/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land spe-

cified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. laying pipe line of 160 MLD Salauli Water Supply Scheme at Xelpem and Cotarli, Sanguem (addl. Area).

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the

Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Special Land Acquisition Officer, Sanguem, to perform the functions of a Collector under the said Act, in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Special Land Acquisition Officer, Sanguem.
3. The Executive Engineer, Works Division XII (XXVI), P.W.D., Sanguem.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Special Land Acquisition Officer, Sanguem, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Sanguem	Xelpem	17	2	Shripad Naik Sardesai.	472.00
					North: Survey No. 16/2, 16/4, 15/1, 12/1, 15/2 and 17/2. South: Survey No. 16/2, 16/4, 15/1, 12/1, 15/2 & Village Boundaries of Cotarli. East: Survey No. 31/2. West: Village Boundary of Cotarli.	
"	Cotarli	6	—	—	Arun Khan. Adam Khan.	688.00
"	"	12	49	—	Vishrant Uttam Samant. T: Hari Vithal Velip.	11.00
					North: Survey No. 13/8, Nala, 12/48, 12/47, 11/1, 40/2, 6, 7/2, 7/4 and Road. South: Survey No. 13/8, Nala, 12/48, 12/49, 12/47, 11/1, 40/2, 6, 7/2, 7/4 and 8/1. East: Village Boundary of Xelpem. West: Village boundary of Sanvordem.	
					Total	1171.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 23rd September, 1982.

Notification
No. 22/27/82-RD

Whereas by Government Notification No. 22/27/82-RD dated 14-4-82 published on page 51 of Series II, No. 4 of the Official Gazette, dated 27-4-82 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Construction of drinking water well at Marcain-Ponda.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji, to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji, till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Ponda	Marcaim	—	105 (Part)	Sadashiv Pandurang Bharne. <i>Boundaries:</i> North: Survey No. 104. South: Survey No. 105. East: Survey No. 105. West: Survey No. 105.	231.00
					Total	231.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 23rd September, 1982.

Notification

No. 22/14/82-RD

Whereas by Government Notification No. 22/14/82-RD dated 20-3-82 published on page 28 of Series II, No. 3 of the Official Gazette, dated 15-4-82 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Construction of 33 KV Sub-Station and staff Quarters at Saligao, Bardez.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Deputy Collector (Land Acquisition Officer), Panaji, to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Deputy Collector (Land Acquisition Officer), Panaji, till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Bardez	Saligao	—	116 (Part)	O: Comunidade of Saligao.	22184.00
					<i>Boundaries:</i> North: S. No. 116. South: S. No. 116. East: Road. West: S. No. 116.	
— do —	— do —	—	—	129 (Part)	Comunidade of Saligao. <i>Boundaries:</i> North: S. No. 129. South: S. No. 129. East: Road. West: Road.	324.00
					Total	22508.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 23rd September, 1982.

Corrigendum

No. 22/88/81-RD

Read: Notification, No. 22/88/81-RD dated 14-1-1982 published on page 535, Series II, No. 44 of the Official Gazette dated 1-2-1982.

The boundaries and area mentioned in column No. 6 and 7 respectively of above mentioned Notification should be read as under:

<i>Boundaries</i> North: Public Road. South: Sy. No. 67/1. East: Sy. No. 67/1. West: Land acquired by Captain of Ports.	<i>Area</i> 880.00 sq. mts.
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By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 23rd September, 1982.

Office of the Collector of Goa

Order

No. 3/14/81-CAB(Bye-laws)741

The Government of Goa, Daman and Diu, under the powers vested by Art. 18 of the Devasthan Regulation is pleased to appoint the below named persons on the Special Committee to frame the draft bye-laws of Devasthan of Shri Shantadurga, Assonora, in Bardez Taluka.

Effective Members:

1. Shri Narayan Gopal Vaigankar — President.
2. Shri Pandurang Vithal Kamat — Treasurer.
3. Shri Vithu Raghunath Narvekar — Attorney.
4. Shri Satish Jagannath Ghatwal — Secretary.

Substitute Members:

1. Shri Ramachandra Chimanaji Padwal — President.
2. Shri Sonu Atmaram Banaulikar — Treasurer.
3. Shri Rama Babusso Parrikar — Attorney.
4. Shri Vasant Dharma Salgaonkar — Secretary.

The above Committee shall submit the draft bye-laws to the Government within a period of six months from the date of publication of this order in the Official Gazette. The procedure laid down in Article 17 and 18 of the Devasthan Regulation as amended by the Legislative Diploma No. 1899 dated 29-5-1959 and the Government directions contained in the Revenue Department's letter No. RD/END/116-71 dated 27-7-1971 are to be followed to frame draft bye-laws.

The above Committee is also entrusted with the management of the said Devalaya until the bye-laws are prepared and published.

J. P. Singh, Collector and Director of Civil Administration.

Panaji, 7th September, 1982.

◆◆◆ Industries and Labour Department

Order

No. 28/15/82-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Goa, Daman and Diu Cooperative Fisheries Federation Limited, Ponte de Linhares, Panaji-Goa, and their workman Shri Minanath T. Tari, Marketing Inspector, Borim, Ponda-Goa, in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the "said dispute").

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal, Goa, Daman and Diu, Panaji-Goa, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Goa, Daman and Diu Cooperative Fisheries Federation Limited, Panaji-Goa in terminating the services of Shri Minanath T. Tari, Marketing Inspector, with effect from 25-7-1981 is legal and justified?

If not, to what relief the workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 23rd September, 1982.

Order

No. 28/36/82-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of Shri Joaquim D'Souza, Cumbarjua, Ilhas-Goa and their workman Shri Suresh S. Parodkar, Driver, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal, Goa, Daman and Diu, Panaji-Goa, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management, Shri Joaquim D'Souza, Cumbarjua, Ilhas-Goa in terminating the services of the workman Shri Suresh S. Parodkar, Driver, with effect from 24-8-1981 is legal and justified?

If not, to what relief the workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 23rd September, 1982.

Order

No. 28/8/82-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. City Beverages, Rua Aires de Sa, Comba, Margao, Salcete-Goa, and their three workmen, Miss Luiza Moraes, Miss Anita Sakalkar and Miss Kamal Nagvenkar, all Helpers, represented through the President Oxygen and Aerated Water Workers Union, Velho Building, Panaji-Goa in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the said dispute).

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal, Goa, Daman and Diu, Panaji-Goa, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. City Beverages Comba Margao, Salcete-Goa in terminating the services of Miss Luiza Moraes, Miss Anita Sakalkar and Miss Kamal Nagvenkar, all Helpers with effect from 20-11-1981 is legal and justified?

If not, to what relief the said workmen are entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 23rd September, 1982.

Order

No. 28/35/82-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. RMP Security Organisation and

Methods Consultants Private Limited Sancoale, Goa and their workman Shri P. K. Rajan, Security Guard, represented through Goenchea Kamdaranzo Ekvott, New Vadem, Vasco-da-Gama Goa in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji-Goa constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. RMP Security Organisation and Methods Consultants Private Limited in dismissing the services of Shri P. K. Rajan, Security Guard, with effect from 23-12-1981 is legal and justified.

If not, to what relief the workman is entitled to?

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 21st September, 1982.

Order

No. 28/41/82-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Goa, Daman and Diu Cooperative Fisheries Federation Limited, Ponte de Linhares, Panaji, Goa and their workman Shri Rajan B. Rane, Marketing Inspector, in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the "said dispute");

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal, Goa, Daman and Diu, Panaji-Goa constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Goa, Daman and Diu Cooperative Fisheries Federation Limited, Panaji Goa in terminating the services of Shri Rajan B. Rane, Marketing Inspector with effect from 25-7-1981 is legal and justified?

If not, to what relief the workman is entitled to?

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 22nd September, 1982.

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 21st September, 1982.

IN THE LABOUR COURT, GOA, DAMAN AND DIU,
PANAJI - GOA

(Before Dr. Renato de Noronha, Presiding Officer)

Application No.: LCC/47/80

1. Shri Ramsingh Lalbahadur Singh — Applicant

V/s.

1. M/s. Deepak Sales Corporation. — Opponent

Applicant represented by Adv. Ashraf Aga.

Opponent represented by Shri C. J. Mane, Labour Advisor.

Panaji. Dated: 1-9-1982

AWARD

This is an application filed under Section 33C(2) of the I.D.A., 1947, by the above applicant against the above opponent claiming from the latter the amounts detailed in the annexure to the application.

2. It is applicant's case that he was in the employment of the opponent as watchman from 1-12-76 to 31-3-78. His salary was Rs. 175/- per month for 8 hours duty on each day and it was agreed that he would be paid overtime for the extra hours service rendered by him every day. He was forced to work as watchman of the godown of the opponent round the clock, i.e. 24 hours a day. It was further agreed that, during the time he was away for some other work, his wife or other member of his family would replace him. So, during his absence, his wife used to do his work. However, he has not been paid overtime for 485 days amounting to Rs. 11,460/- and also of his salary of March 1978 to the tune of Rs. 175/-. He has further claimed Rs. 350/- as his leave wages for 2 months, bonus corresponding to 2 months equivalent to Rs. 350/- and house rent allowance, at the rate of Rs. 60/- per month, amounting to Rs. 960/- which, as per his version, the opponent had agreed to pay. He has claimed all these amounts through this application.

3. The Opponent, in its written statement, admitted that the applicant was in its employment from 1-12-76 to 31-3-78 with a monthly salary of Rs. 175/-. He had to work as watchman and had not done any overtime during the entire period of his service. His wages for March 1978 were offered to him, but he refused to accept. Regarding his leave wages, he is only entitled to 15 days leave wages, which has not been refused to him. The opponent has denied the applicant's claim for bonus and house rent.

4. Following issues were framed by the Court:

"1. Whether the Applicant proves that he is entitled to claim from the Opponent the amounts mentioned in his statement of claim?

2. What relief?"

5. Both the parties filed their list of evidence and also adduced evidence on the issues framed. The evidence of the applicant consists of his own statement and of the statement of his mother-in-law; and the evidence of the opponent consists of the evidence of its accountant. Both the representatives of the parties advanced their arguments orally before me.

6. It is an admitted fact that the applicant was in the employment of the opponent from 1-12-76 to 31-3-78 as watchman and that his wages were Rs. 175/- per month, with 8 hours duty per day. It is also an admitted fact that the wages of the month of March 1978 are not yet paid to the applicant.

7. Regarding the claim for overtime, it is applicant's contention that the opponent agreed to pay him the extra work put in by him beyond the 8 hours of his normal work. The Opponent's contention is that applicant was not putting any extra work, nor was there any agreement to pay him for such work. The only evidence led by the applicant in this respect is his own statement and of his mother-in-law. Both these statements, being of interested persons, cannot be relied upon unless they are confirmed by an independent witness, who is missing in this case. Besides, the opponent has proved, through the letter of Directorate of Survey (Exh. E-2) and of The Directorate of Tourism (Exh. W-3), that the applicant was also working, at the relevant time, as watchman and chowkidar, respectively, which facts are admitted by the applicant in his cross, adding that he was getting Rs. 150/- per month from the Survey Department only to open the office at 8.30 a.m. to 9 a.m. and to close it at 5.30 p.m. and Rs. 6/- per day in the Tourist Department's garden at Donapaula to put on the lights at 7 p.m. and to put them off at 7 a.m. and that he took one hour to go and come back to Donapaula twice a day. He has further admitted that

he was working for Michael Fernandes also in a building under construction nearby for which he was getting Rs. 50/- per month. If the applicant was getting Rs. 150/- per month from the Survey Department, his work there could not be only from 8.30 to 9 a.m. and 5.30 p.m. to open and close the doors, as stated by him. For such a short period of time the Government would not pay him Rs. 150/-. The letter Exh. E-2 mentions that he was working as watchman, which fact is admitted by the applicant in his cross and, therefore, it is to be assumed that his duty hours would be much more than those stated by him. At any rate, the fact that while the applicant was working for the opponent he was working for 3 others would disprove of his contention that he was working for the opponent round the clock for 24 hours! He has not proved any overtime put in by him for the opponent. The register of wages produced by the opponent has a column for overtime, which is lying blank and the fact that the applicant remained silent and never claimed the alleged overtime during the 15 months of his service would further corroborate employer's contention that no overtime was due to him. The allegation of the applicant that the opponent told him that his overtime would be paid to him when he goes on leave has not been proved at all.

8. Regarding his earned wages of March, 1978, the opponent admitted that they are due to him, but alleged that the applicant had taken a loan of Rs. 150/- which had to be deducted. He has proved the loan through the vouchers Exh. A-1 and A-2. The applicant admits that he was regularly paid of his wages till February, 1978 but, regarding March, he does not know as to why he was not paid. The opponent's witness has clarified the reason saying that the opponent wanted to deduct from the wages of the applicant the amount of loan taken by him and, for this reason, the applicant refused to accept the wages. Exh. A-1 and A-2 show that an advance for Rs. 150/-, in two instalments, was taken by the applicant on 14th and 15th February, 1978. The wage register Exh. E-1 colly. shows that the wages of February, 1978 were paid to the applicant on 2-3-78 but in the column "advance" appearing in the said register it is written "nil". If the advance still existed till the end of February 1978, I fail to see as to why the word "nil" has been written in that column. This leads me to believe that the said advance was already paid at that time by the applicant. Hence, I grant the request of the applicant regarding his wages of the month of March, 1978.

9. The next claim of the applicant is regarding bonus:

Under the Bonus Act, bonus is to be paid only when more than 10 workers are working in the establishment. The applicant has not led evidence to prove that there were more than 10 workers in the opponent's establishment at that time and also that other workers in the establishment were being paid bonus or that the opponent had agreed to pay him bonus, as contended by him. Besides applicant's own statement in this respect, there is no other evidence to corroborate it; hence, his request for bonus cannot be granted.

10. In so far as his claim for leave wages for 2 months is concerned:

Applicant's total service to the employer is 16 months; under the Shops and Establishments Act, 1973, he is entitled to 15 days leave for each completed year of service. The opponent has also stated that the applicant is entitled to 15 days leave wages which he is ready to pay him. I fail to see how the applicant is claiming 60 days leave wages, when his total period of service does not exceed one year and 4 months. I, therefore, allow him the payment of leave wages, but limited to the period of 15 days.

11. Finally, regarding his prayer for house rent allowance:

It is stated by the applicant that he was residing in a rented house at Pato and shifted with his family to a small hut in the compound of the godown of the opponent for which he was not paying any rent. The hut in question had to be repaired by the applicant by spending some money before he could move in. When his hut was demolished in 1977 the opponent told him that he would give him Rs. 60/- per month as house rent allowance till he was in a position to provide accommodation to him. The opponent has denied that there was any agreement to pay house rent allowance to the applicant and the fact that the latter did not claim the said allowance during the 16 months of his service would

only corroborate the employer's contention. The applicant's allegation that, when he demanded from the employer the payment of rent, the latter told him that he would pay it when he gave up the rented house in Donapaula is a bare allegation not supported by any evidence. Hence, this prayer cannot be granted.

12. In view of all that has been stated above, I pass the following order:

ORDER

Applicant's application is granted only regarding his wages of March, 1978 and 15 days leave wages. It is dismissed regarding all other prayers. The opponent to pay him Rs. 100/- as costs.

Dr. Renato de Noronha
Presiding Officer,
Labour Court.

Order

No. 1/41/80-ILD

On the recommendation of Departmental Promotion Committee, the Administrator of Goa, Daman and Diu is pleased to confirm Shri V. V. Chodankar in the permanent post of Principal, Maritime School under Captain of Ports, Panaji w.e.f. 17-3-1979.

This is issued with the approval of U.P.S.C. vide their letter No. F.1/13(3)/82-AU II dated 9-8-82.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).
Panaji, 21st September, 1982.

Addendum

No. 23/4/79-ILD

Read: -- Government Notification No. 23/4/79-ILD dated 10-8-82.

At the end of the Government Notification read above, the following para shall be added: —

"The non official members shall be entitled for T.A./D.A. as admissible to Group 'A' officers of this Administration."

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 16th September, 1982.

Law Department (Establishment)

Order

No. 3-5-80/LD

In exercise of the powers conferred by Clause (7) of Section 2 of the Civil Procedure Code, 1908 (Act V of 1908) read with Order 27, Rule 8B of the First Schedule to the said Code, the Lieutenant Governor of Goa, Daman and Diu hereby appoints Shri Afonso Araujo, Assistant Public Prosecutor, Panaji as Government Pleader for the purpose of conducting and defending all cases before the Motor Accidents Claims Tribunal, Panaji, with immediate effect.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

R. V. Durbhatkar, Under Secretary (Law).

Panaji, 22nd September, 1982.